

**EXHIBIT A**  
**Plaintiff's Complaint**

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1 **COMP**

2 **SCOTT POISSON, ESQ.**

3 **Nevada Bar No. 10188**

4 **RONALDO BUMBASI, ESQ.**

5 **Nevada Bar No.: 14176**

6 **ronaldo@vegashurt.com**

7 **BERNSTEIN & POISSON**

8 **320 South Jones Boulevard**

9 **Las Vegas, Nevada 89107**

10 **Telephone: (702) 877-4878**

11 **Attorneys for Plaintiff**

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 **ANGELO BUSWELL,**

15 **Plaintiff,**

16 **vs.**

17 **WAL-MART STORES, INC., and DOES 1**  
18 **through 100; And ROE CORPORATIONS**  
19 **101 through 200**

20 **Defendant.**

21 **CASE NO.:**

**A-18-782468-C**

22 **DEPT. NO.:**

**Department 13**

23 **COMPLAINT**

24 **Plaintiff, by and through her attorney of record, SCOTT POISSON, ESQ.**  
25 **and RONALDO BUMBASI, ESQ., of the law offices of BERNSTEIN & POISSON,**  
26 **hereby files this Complaint and alleges against the above-named Defendants, and each of**  
27 **them, as follows:**

28 **GENERAL ALLEGATIONS**

1. **At all times material herein, Plaintiff was and is a resident of Clark**  
**County, Nevada.**

2. **At all times material herein, Defendants, and each of them, owns and**  
**operates that certain business by virtue of the laws of the State of Nevada and is property**

1 owner of the WAL-MART STORE located in Henderson, Nevada, County of Clark. The  
2 fall in question occurred in Clark County, Nevada.

3 3. At all times material herein, said Defendants, and each of them, owned,  
4 operated, controlled, and/or maintained, without limitation, a department store with  
5 parking areas and common areas for the purpose of carrying on business for profit in  
6 Clark County, Nevada

7 4. Upon information and belief, at all times material herein, Doe and Roe  
8 Defendants 101 through 200 were legal entities/residents of Clark County, Nevada, and  
9 authorized to do business by the State of Nevada. Furthermore, said Doe and Roe  
10 Defendants were employees, agents, or servants of Defendants, and each of them, and  
11 functioned and assisted in the operation, control and/or management of said premises.

12 5. The true names and capacities, whether individual, corporate, limited  
13 liability company, partnership; or otherwise of Defendants DOES 1 through X and ROE  
14 CORPORATIONS 1 through X, inclusive, are unknown to Plaintiff who therefore sues  
15 said Defendants by such fictitious names. On information and belief, Plaintiff alleges that  
16 the Defendants, and each of them, designated herein as a DOE INDIVIDUALS or ROE  
17 CORPORATION were responsible in some manner for the injuries sustained by the  
18 Plaintiff, on or about October 4, 2017, resulting from the below stated slip and fall  
19 accident; and further that certain, without limitation, employees employed and/or  
20 engaged by said Defendants; or other patrons of said business; knew of or should have  
21 known of or caused a foreign substance to be left on the floor of the common area  
22 resulting in Plaintiff's personal injury herein; and are therefore liable for all damages due  
23 to Plaintiff as alleged herein. Plaintiff will ask leave of court to amend this Complaint to  
24 insert the true names and capacities when the same is ascertained and to join such  
25 Defendants in this action. THE DOE 1 is the unknown actual legal name for WAL-  
26 MART STORES, INC. and the individual WAL-MART STORE.

**CAUSES OF ACTION**

**I.**

**Negligence/Premises Liability**

6. Plaintiff re-alleges each of the foregoing allegations contained in paragraphs 1 through 5 as if fully set forth herein.

7. Upon information and belief, on or about October 4, 2017 Plaintiff was lawfully on the Defendants' premises as a patron.

8. Upon information and belief, while lawfully on said premises and location, Defendants had a duty to supervise and maintain said premises in a reasonably safe and suitable condition for its patrons, guests, invitees and others; and further to take any and all reasonable precautions to avoid the presence of dangerous and/or artificial conditions on or around said premises.

9. Upon information and belief, Defendants employed janitorial and maintenance personnel, management and other supervisory/security personnel for the purpose of supervising employees, patrons, guests and invitees and maintaining said property in a reasonably safe and suitable condition all under said Defendant's authority and control.

10. Upon information and belief, at said time and place, Defendants', despite having actual notice or constructive notice, that a dangerous condition existed on its premises; including that certain unreasonable amounts of the foreign substance caused by other patrons or said Defendants or its agent(s), over which said Defendants had control and authority, failed to enact proper safeguards and warnings to prevent serious bodily injury to Plaintiff, to wit: failing to warn and reasonably prevent a foreign substance to exist on the floor, resulting in Plaintiff slipping on said substance, all in breach of its duty of due care herein, including said business's duty to maintain said common area free of unreasonably dangerous conditions as property owner.

11. As a direct and proximate result of said negligence and/or reckless conduct herein, as the case may be, Plaintiff has suffered personal injury, medical bills,

1 general damages and economic damages in an amount in excess of \$15,000 subject to  
2 proof at trial.

3 13. While on said premises, Defendants had a duty to supervise and maintain  
4 its premises in a reasonably safe and suitable condition for its patrons, guests and  
5 invitees; and further to take any and all reasonable precautions to avoid the presence of  
6 said dangerous and/or artificial conditions on or around said premises and its common  
7 area(s). Upon information and belief, Defendants employed janitorial and maintenance  
8 personnel, management and other supervisory personnel for the purpose of supervising  
9 employees, patrons, guests and invitees and maintaining said property in a reasonably  
10 safe and suitable condition.

11 14. Said Defendants failure to warn of a known dangerous condition, or  
12 through exercise of reasonable diligence under the circumstances that which could have  
13 been discovered, and further failure to hire and adequately train suitable and fit  
14 employees to maintain said property in a safe and suitable manner has directly and  
15 proximately resulted in Plaintiff's personal injury and damages in an amount in excess of  
16 \$15,000 subject to proof at trial.

17 16. In addition to their direct liability, Defendants were and are vicariously  
18 liable for the negligent acts and/or omissions of its staff, agents, apparent agents,  
19 servants, or employees in the scope of employment herein; or such independent  
20 contractors within said Defendants control which in any manner caused or contributed to  
21 Plaintiff's injuries herein.

22 17. As a direct and proximate result of Defendants' negligence by and through  
23 its agents, employees and/or contractors as set forth, Plaintiff has sustained special  
24 damages, general damages, economic damages and future damages in excess of \$15,000  
25 subject to proof to trial.

26 WHEREFORE, Plaintiff expressly reserving her right to amend this complaint at  
27 the time of, or prior to trial, prays for judgment against the Defendants, and each of them,  
28 as follows:


- 1           1.           For General, Special Damages sustained by Plaintiff in a sum in
- 2                       excess of \$15,000;
- 3           2.           For Attorney's Fees and Costs of suit incurred herein;
- 4           3.           For interest at the statutory rate;
- 5           4.           For such other relief as this Court deems appropriate.

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7       Dated this 9<sup>th</sup> day of October, 2018.

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9                       Respectfully submitted:  
10                      BERNSTEIN & POISSON

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12                      RONALDO BUMBASI, ESQ.  
13                      Nevada Bar No.: 14176  
14                      320 South Jones Blvd.  
15                      Las Vegas, Nevada 89107  
16                      (702) 877-4878  
17                      Attorneys for Plaintiff

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